



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
February 24, 2016

Samuel A. Schwartz, Esq.
Nevada Bar No. 10985
Bryan A. Lindsey, Esq.
Nevada Bar No. 10662
Schwartz Flansburg PLLC
6623 Las Vegas Blvd. South, Suite 300
Las Vegas, Nevada 89119
Telephone: (702) 385-5544
Facsimile: (702) 385-2741
Proposed Attorneys for the Debtor

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:)	Case No.: 16-10460-ABL
)	
Tatuado Hospitality Management Group,)	Chapter 11
LLC,)	
)	Hearing Date: February 11, 2016
Debtor.)	Hearing Time: 10:30 a.m.
)	

**ORDER GRANTING, IN PART, THE DEBTOR'S MOTION PURSUANT TO
11 U.S.C. §§ 105(a), 363(b), AND 503(b) AUTHORIZING, BUT NOT DIRECTING,
THE DEBTOR TO PAY PREPETITION CLAIMS OF CRITICAL VENDORS**

Upon the motion (the "**Motion**")¹ of the above-captioned debtor and debtor in possession (the "**Debtor**") for the entry of an order authorizing, but not directing, the Debtor to pay that certain prepetition claim of those critical vendors (the "**Critical Vendors**") indicated on **Exhibit A**, attached hereto, as a critical vendor pursuant to sections 105(a), (363(b), and 503(b) of the Bankruptcy Code; and the Court having jurisdiction to consider the Motion and

¹ Any capitalized terms not expressly defined herein shall have those meanings ascribed to them in the Motion.

1 the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration
2 of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §
3 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and
4 due and proper notice of the Motion having been provided, and it appearing that no other or
5 further notice need be provided; and the Court having considered the Motion and having held a
6 hearing on the same and having determined, based on the parties representations on the Record
7 and proposed modifications to the order; and good and sufficient cause appearing therefore, it
8 is hereby:
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12 **ORDERED** that the Motion is **GRANTED** in part, except as modified herein
13 and on the Record at the February 11, 2016 hearing on the Motion; and it is further
14

15 **ORDERED** that the Debtor is authorized, but not directed, in its business
16 judgment and sole discretion, to pay the prepetition claims of the Critical Vendors, as modified
17 and set forth in the supplemental declaration of Michael Tsunis (Docket No. 62), subject to the
18 conditions provided herein; and it is further
19

20 **ORDERED** that the Debtor is only authorized to pay the prepetition claims of
21 those Critical Vendors listed on **Exhibit A**, attached hereto, and no other vendors or payments
22 are authorized under this Order; and it is further
23

24 **ORDERED** that the payment of any prepetition claims of the Critical Vendors
25 is conditioned upon such Critical Vendor providing terms as the Debtor deems necessary, in
26 the Debtor's sole discretion, to ensure that each Critical Vendor will continue to supply the
27 Debtor after the Petition Date in accordance with the normal trade terms that existed prior to
28 the Petition Date, or on such other terms and conditions that the Debtor determines are
29 reasonably acceptable under the circumstances; and it is further
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ORDERED that the payment of any prepetition claims of Critical Vendors is also conditioned upon such Critical Vendor providing new value to the Debtor in the form of goods, which value equals at least the amount of such Critical Vendor's prepetition claim against the Debtor that is actually paid under this Order; and it is further

ORDERED that if any Critical Vendor ceases to supply the Debtor after the Petition Date in accordance with the normal trade terms that existed prior to the Petition Date, or on such other terms and conditions that the Debtor determines are reasonably acceptable under the circumstances, then any amounts paid to such Critical Vendor on account of its prepetition claim are subject to: (i) disgorgement; and (ii) avoidance under 11 U.S.C. § 549 and recovery under 11 U.S.C. § 550 by the Debtor or other authorized estate representative; and it is further

ORDERED that the Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Submitted by:

APPROVED/DISAPPROVED

SCHWARTZ FLANSBURG PLLC

Office of the United States Trustee

By: /s/ Samuel A. Schwartz
 Samuel A. Schwartz, Esq., NBN 10985
 6623 Las Vegas Blvd. South, Suite 300
 Las Vegas, NV 89119
 Proposed Attorneys for the Debtor

By: /s/ Athanasios Agelakopoulos
 Athanasios Agelakopoulos, Esq.
 300 Las Vegas Blvd. South, Suite 4300
 Las Vegas, Nevada 89101
 Attorneys for the Office of the United
 States Trustee

APPROVED/DISAPPROVED

Christensen, James & Martin

By: /s/ Wesley Smith

Wesley Smith, Esq.

Kevin Archibald, Esq.

7440 W. Sahara Avenue

Las Vegas, Nevada 89117

Attorneys for Culinary Trust Funds

APPROVED/DISAPPROVED

Adam Paul Laxalt

Nevada Attorney General

By: /s/ Alycia K. Hansen

Alycia K. Hansen, Esq.

555 E. Washington Ave., Suite 3900

Las Vegas, Nevada 89101

Attorneys for State of Nevada

Department of Taxation

APPROVED/DISAPPROVED

Goold Patterson

By: /s/ Jeffrey D. Patterson

Jeffrey D. Patterson, Esq.

1975 Village Center Circle, Suite 140

Las Vegas, Nevada 89134

Attorneys for Wray-Al Properties, LLC

SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ The court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

 X I have delivered a copy of this proposed order to all counsel who appeisd at the hearing, and any unrepresented parties who appeisd at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

APPROVED: Athanasios Agelakopoulos, Esq.; Wesley Smith; Esq.
 Alycia K. Hansen, Esq.; Jeffrey D. Patterson, Esq.

DISAPPROVED:

FAILED TO RESPOND:

Submitted by:

SCHWARTZ FLANSBURG PLLC

By: /s/ Samuel A. Schwartz
Samuel A. Schwartz, Esq., NBN 10985
Bryan A. Lindsey, Esq., NBN 10662
6623 Las Vegas Blvd. South, Suite 300
Las Vegas, NV 89119
Proposed Attorneys for the Debtor

#

Exhibit A

<u>Critical Vendor Name</u>	<u>Pre-Petition Amount Owed</u>
Bonanza Beverage Company	\$3,500.00
Nevada Beverage Company	\$4,000.00
Southern Wine and Spirits	\$7,500.00
Johnson Brothers of Southern Nevada	<u>\$4,000.00</u>
Total:	\$19,000.00